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Tried in connection with 520 + 529

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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. ~~8.~~ 3 ORIGINAL.

THE STATE OF NEW YORK, COMPLAINANT,

vs.

THE STATE OF LOUISIANA, LOUIS A. WILTZ, GOVERNOR OF THE STATE OF LOUISIANA, EDWARD A. BURKE, TREASURER; SAMUEL McENERY, LIEUTENANT-GOVERNOR; ALLEN JUMEL, AUDITOR; WILLIAM A. STRONG, SECRETARY OF STATE, R. N. OGDEN, SPEAKER OF HOUSE OF REPRESENTATIVES; AND PIERRE LANAUX, ACTING PRESIDENT OF STATE NATIONAL BANK

ON BILL AND CROSS-BILL.

FILED APRIL 25, 1881.

SUPREME COURT OF THE UNITED STATES.

No. 6.—ORIGINAL.

THE STATE OF NEW YORK, COMPLAINANT,

vs.

THE STATE OF LOUISIANA, LOUIS A. WILTZ, GOVERNOR OF THE STATE OF LOUISIANA; EDWARD A. BURKE, TREASURER; SAMUEL McENERY, LIEUTENANT-GOVERNOR; ALLEN JUMEL, AUDITOR; WILLIAM A. STRONG, SECRETARY OF STATE; R. N. OGDEN, SPEAKER OF HOUSE OF REPRESENTATIVES; AND PIERRE LANAUX, ACTING PRESIDENT OF STATE NATIONAL BANK.

ON BILL AND CROSS-BILL.

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1 On the 25th day of April, 1881, the following entry appears of record, to wit:

THE STATE OF NEW YORK, COMPLAINANT,
vs.
THE STATE OF LOUISIANA, ET AL. } Original.

On motion of Mr. William A. Duer, of counsel for the complainant, leave is hereby granted to file bill of complaint in this cause, and subpœnas are ordered to be issued to the defendants in the cause, returnable on the second Monday of October next.

2 U. S. Supreme Court, October term, 1880.

To the Supreme Court of the United States:

The State of New York, plaintiff, brings this its bill of complaint against the State of Louisiana, and against Louis A. Wiltz, Edward A. Burke, Samuel McEnery, Allen Jumel, William A. Strong, Robert N. Ogden, and Samuel H. Kennedy, each of whom is a citizen of the said State of Louisiana; and thereupon the plaintiff alleges as follows:

First. That the said individual defendants, for more than a year last past, have respectively held the following offices of the said State of Louisiana: Louis A. Wiltz, that of governor; Samuel McEnery, that of lieutenant-governor; Edward A. Burke, that of treasurer; Allen Jumel, that of auditor; William A. Strong, that of secretary of state; Robert N. Ogden, speaker of the house of representatives; and Samuel H. Kennedy, fiscal agent and member of the board of liquidation.

Second. That prior to the year 1874, the said State of Louisiana, had contracted indebtedness to the amount of eighteen millions of dollars, or thereabouts, for which it had issued certain evidences of debt, but that complaint had been made on behalf of the State that a part thereof had been fraudulently contracted, and the State was not justly liable therefor, while on the other hand, the persons owning the said evidences of debt claimed that the same were valid, and that the State was legally bound to pay the whole thereof.

3 Third. That under these circumstances and in order to settle the said conflicting claims, as well as to liquidate and adjust all claims then existing against the State, and to provide for the payment thereof, the said State of Louisiana, by its legislature, duly passed an act, known as act No. 3, of the statutes of 1874, of the said State, by section one of which act it was provided, that, for the purpose of consolidating and reducing the floating and bounded debt of the State, the governor, lieutenant-governor, auditor, treasurer, secretary of state, and speaker of the house of representatives, were authorized to cause to be prepared, and issued bonds to be known as consolidated bonds of the State of Louisiana, of the denomination of one hundred dollars, five hundred dollars, and one thousand dollars, to the amount of fifteen millions of dollars, or so much thereof as should be necessary, all payable forty years from the first day of January, 1874, and all to be numbered consecutively, and made payable to bearer, and to bear interest at the rate of seven per cent. per annum, payable semi-annually in the city of New York and the city of New Orleans, on the first days of July and January of each year, and that the coupons for such interest should be annexed to such bonds; and by section two of the said act, it was provided, that the individual defendants above-named, except the

defendant Kennedy, should constitute a board of liquidation, and that a majority of the said board should elect a fiscal agent for the State, who should be a member of the said board; and by section three it was provided that the said bonds should be signed by the governor, auditor, and secretary of state, that the coupons thereon should be signed by the auditor and treasurer, and that when so prepared, the said bonds should be exchanged by the board of liquidation, for all outstanding bonds of the State, and all valid warrants drawn previous to the passage of the said act, except certain warrants therein specified, at the rate of sixty per cent. in consolidated bonds for one dollar in outstanding bonds or warrants; and by sec-
4 tion five of the said act it was provided that the said consolidated bonds therein authorized should be held and used by the said board only for the purposes of exchange as aforesaid; and by section seven of the said act it was provided that a tax of five and one-half mills on the dollar, of the assessed value of all real and personal property in said State was thereby duly levied, and should be collected for the purpose of paying the interest and principal of the consolidated bonds therein authorized, and that the revenue derived therefrom should be and was thereby set apart and appropriated for that purpose, and to no other; and that it should be deemed a felony for the fiscal agent, or for any officer of the State or board of liquidation, to divert the said fund from its legitimate channel as aforesaid, and upon conviction thereof the parties so doing should be liable to punishment; and it was further provided by the said section seven, that if, during any year, there should be a surplus arising from the said tax, after paying all the interest falling due in that year, such surplus should be used for the purchase and retirement of bonds authorized by the said act, such purchases to be made by the board of liquidation from the lowest offers, after due notice; and it was, by the said section seven, further provided, that such interest tax should be a continuing annual tax until the said consolidated bonds should be paid and redeemed principal and interest; and that the said appropriation should be a continuing annual appropriation during the same period, and that the said levy and appropriation should authorize and make it the duty of the auditor and treasurer, and the said board, respectively, to collect the said tax annually and pay the said interest, and redeem the said bonds, until the same should be fully discharged; and by section ten of the said act it was provided that any judge, tax-collector, or other officer of the State obstructing the execution of the said act, or any part of it, or failing to perform his official duties thereunder, should be deemed guilty
5 of a misdemeanor, and, on conviction, should be punished; and by section sixteen of the said act it was provided that no court or judge thereof should have power to enjoin the payment of principal or interest of any bond issued under the said act, or the collection of the special tax therefor; and, further, by section eleven of the said act it was provided, that each provision of the said act should be and was thereby declared to be a contract between the State of Louisiana and each and every holder of the bonds issued under the said act, as by reference to the said act to which, for greater certainty, reference may be had, will more fully appear.

Fourth. That on the same day on which the said act number three was passed, the said legislature duly enacted a certain other law, known as act number four of the said year, whereby they provided for the submission to the people of the State of Louisiana of certain amendments to the constitution of the said State, by one of which proposed amend-

ments it was provided, that the issue of consolidated bonds authorized by the act number three, was thereby declared to create a valid contract between the State and each and every holder of the said bonds, which the State should by no means and in no wise impair; that the said bonds should be a valid obligation of the State in favor of any holder thereof, and that no court should enjoin the payment of principal or interest thereof, or the levy and collection of the tax therefor, and to secure such levy, collection, and payment the judicial power should be exercised when necessary; that the tax required for the payment of the principal and interest of the said bonds should be assessed and collected each and every year until the said bonds should be paid, principal and interest, and that the proceeds thereof should be paid by the treasurer of the State to the holders of said bonds, as the principal and interest of the same should fall due, and that no further legislation or appropriation should be requisite for the said assessment and collection, and for such payment from the treasurer.

6 Fifth. That the said constitutional amendment was duly submitted to the people of the State of Louisiana, and was by them duly adopted, and became a part of the constitution of the State of Louisiana.

Sixth. That subsequent to the passage of the said act and the adoption of the said amendment to the constitution, a large number of valid outstanding bonds and warrants of the said State of Louisiana, described in section three of the said act, were duly surrendered to the said board of liquidation, and bonds of the said State of Louisiana, such as are described in section one of the said act, were duly issued to the holders of such prior bonds and warrants, at the rate of sixty cents in consolidated bonds for one dollar in outstanding bonds and warrants, which consolidated bonds were of the denomination of one hundred dollars, five hundred dollars, and one thousand dollars; each was signed by the governor, auditor, and secretary of state of the said State of Louisiana, and the coupons thereon were signed by the auditor and treasurer of the said State of Louisiana, and by each of the said bonds the said State of Louisiana promised to pay to the bearer thereof the sum in the said bonds mentioned, according to the denomination thereof, in forty years from the first day of January, 1874, and to pay interest thereon at the rate of seven per cent. per annum, payable semi-annually, in the city of New York and the city of New Orleans, on the first days of July and January of each year; and to each bond coupons for such interest were annexed, whereby the said State of Louisiana promised to pay the semi-annual interest on the said bonds on the first days of July and January in each year, respectively; and in each of the said bonds it was further stated that the same was issued under the authority of and in conformity to an act of the general assembly of the State of Louisiana, approved January 24th, 1874, being the said act number three of the session of 1874, and on the back or out-

7 side of each of said bonds there was printed a statement that the same was issued under the authority of the act of the general assembly approved January 24th, 1874, and that the payment of the principal and interest of the said bonds was provided for by the levy of annual tax fixed and guaranteed by the constitution of the State, and not repealable by legislative enactment.

Seventh. That such consolidated bonds were duly executed and issued by the State of Louisiana, in manner and form aforesaid, to the amount of twelve millions of dollars, or thereabouts, many of which were issued to citizens of the said State of New York, in compromise and exchange

for valid claims against the said State of Louisiana then and previously held and owned by such citizens, they surrendering their said claims and receiving therefor consolidated bonds at the rate of sixty cents on the dollar, and such citizens now hold and own the said consolidated bonds in large sums, amounting to hundreds of thousands of dollars.

Eighth. That the plaintiff is, moreover, the owner and holder of thirty interest coupons originally annexed to the bonds so issued to citizens of the State of New York, pursuant to the said act of the general assembly of the State of Louisiana, and pursuant to the amendment to the constitution of the said State, adopted as aforesaid, which coupons have been detached from the said bonds since the issue thereof, and are now owned and held by the said State of New York, by each of which the said State of Louisiana promised to pay to the bearer thereof the sum of thirty-five dollars, being interest on the bond to which the coupon was attached, ten of which coupons were due January 1st, 1880, ten July 1st, 1880, and ten January 1st, 1881.

Ninth. That in each of the said years since 1874 a portion of the tax so assessed has been collected, a portion has been delinquent, and is in process of collection. In each year part of the interest on the
8 said bonds has been paid by the said State; a part of the interest has remained unpaid, and in each year there has remained a certain sum to the credit of the interest fund of the said bonds.

Tenth. That although demanded, the said State of Louisiana has neglected and refused to pay the interest accruing January 1st, 1880, July 1st, 1880, and January 1st, 1881, on the said consolidated bonds issued under the said act number three, or any of them, and has promulgated a declaration to the effect that it would not pay the same.

Eleventh. That during the years 1879 and 1880 there has been collected a large amount of money, the proceeds of the tax by virtue of the said act number three, levied, assessed, and appropriated, and a large amount thereof has already been received by the treasurer of the said State of Louisiana, and is in his hands and the hands of the said officers of the said State of Louisiana, who compose the board of liquidation as provided in the said act.

Twelfth. That the said board of liquidation has heretofore duly appointed Samuel H. Kennedy as fiscal agent of the said State of Louisiana, and the said Kennedy became and has been a member of the said board since his said appointment.

Thirteenth. That in the ordinary course of proceedings in the said State of Louisiana, money, as collected by the tax-collectors and subordinate officers for the taxes of the years 1879 and 1880, is now being day by day, and will for some time continue to be day by day, paid over by the said officers to the treasurer of the State, and the said treasurer will continue henceforward to be in the receipt of money that has been collected by the tax-collectors, proceeds of tax levied by section seven of said act for the years 1879 and 1880, and all of the said money so collected and to be collected by the treasurer of the State and by
9 the defendants, members of the said board of liquidation is applicable, and has been appropriated by the said act, to the payment of the interest on the said bonds, and a large amount thereof has been collected, and is now being collected to meet and pay the coupons on said bond, due on the first day of January, 1880, the first day of July, 1880, and the first day of January, 1881.

Fourteenth. That there is now in the hands of the said defendants, proceeds of the said tax levied and collected during the several years from 1874 to the present time, the sum of two hundred and thirty-five

thousand one hundred and three dollars and eight cents (235,103.08), and of the said sum one hundred and thirty-three thousand three hundred and fifty-one dollars and thirty-three cents (133,351.33) were collected and paid into the hands of the defendants, or some of them, in and during the year 1879 and 1880.

Fifteenth. That in the year 1879, the people of the State of Louisiana in form adopted a certain constitution or organic law to take the place of the constitution theretofore existing; officers have been elected under it, and all the defendants are officers of the said State, elected pursuant to said constitution, except the defendant Burke, who, according to the said amended constitution, was to remain in the office of treasurer of the State, which he then held, without any election, and excepting also the defendant Kennedy, who holds the position of fiscal agent pursuant to the appointment of the said board of liquidation.

Sixteenth. That a part of the constitution so adopted in 1879 is generally known as a debt ordinance, and the same is in the words and figures following, that is to say:

"ART. I. Be it ordained by the people of the State of Louisiana in convention assembled, that the interest to be paid on the consolidated bonds of the State of Louisiana be, and is hereby, fixed at two per
10 cent. per annum for five years from the first of January, 1880, three per cent. per annum for fifteen years, and four per cent. per annum thereafter, payable semi-annually; and there shall be levied an annual tax sufficient for the full payment of said interest, not exceeding three mills, the limit of all State tax being hereby fixed at six mills, provided the holders of consolidated bonds may, at their option, demand an exchange for the bonds held by them, bonds of the denomination of five dollars, one hundred dollars, five hundred dollars, and one thousand dollars, to be issued at the rate of seventy-five cents on the dollar on bonds held and to be surrendered by such holders, the said new issue to bear interest at the rate of four per cent. per annum, payable semi-annually.

"ART. II. The holders of the consolidated bonds may, at any time, present their bonds to the treasurer of the State, or to an agent to be appointed by the governor, one in the city of New York and the other in the city of London, and the said treasurer or agent, as the case may be, shall indorse or stamp thereon the words: 'Interest reduced to two per cent. per annum for five years, from January 1st, 1880; three per cent. per annum for fifteen years, and four per cent. per annum thereafter.' Provided the holder or holders of said bonds may apply to the treasurer for an exchange of bonds, as provided in the preceding article.

"ART. III. Be it further ordained, that the coupon of said consolidated bonds, falling due the 1st of January, 1880, be, and the same is hereby, remitted, and any interest taxes collected to meet said coupons are hereby transferred to defray the expenses of the State government."

Seventeenth. That by section 209 of the said amended constitution, it was provided that the State tax on property for all purposes whatever, including expenses of government schools, levies and interest, should not exceed in any one year six mills on the dollar of its
11 assessed valuation, but a tax at that rate would be insufficient to raise the money necessary to pay the interest on the said consolidated bonds at the rate and manner provided in the said act of 1874.

Eighteenth. That all the defendants herein intend to divert the proceeds of the tax for the years 1879 and 1880, levied under the said act of 1874, from the payment of interest and interest coupons on the said consolidated bonds, to the payment of the expenses of the State government, as provided in the said new constitution.

Nineteenth. That it is claimed by the defendants that the provisions of the constitution adopted in 1879, relative to the State debt of the State of Louisiana, are valid, and that the rate of interest upon the bonds so issued as aforesaid is reduced from seven per cent. per annum to two per cent. per annum for five years from January 1st, 1880, three per cent. per annum for fifteen years, and four per cent. per annum thereafter, and that the interest on said bonds falling due January first, 1880, is wholly lost to the holders of the bonds or coupons.

Twentieth. That the individual defendants intend to carry out the provisions of the said constitutional amendment of 1879, and to divert the funds in their hands, proceeds of the taxes before mentioned, from the payment of the interest on the said consolidated bonds, and the purchase of the said bonds as in said act provided to the purposes stated in the said constitution of 1879, and if such division is allowed to be made, the holders of the said consolidated bonds and the coupons annexed thereto will be remediless in the premises.

Twenty-first. That the State of Louisiana has made no provision for the payment of the interest on the said consolidated bonds, except as aforesaid, and repudiates the same, and the plaintiff has no remedy except in this court, by proceedings upon this bill of complaint.

12 To the end therefore that it may be adjudged that the said bonds and the said act number three of the session of 1874, and the said constitutional amendment of 1874, constitute a valid contract between the State of Louisiana and the holders of the said consolidated bonds and coupons, which cannot be impaired by any act of the said State, and that the said defendants, and each of them, may be enjoined from diverting the funds in the hands or under the control of any of them, the proceeds of taxes levied under the said act of 1874, and constitutional amendment of 1874, from the payment of the bonds, interest, and coupons, as in the said act provided, to the expenses of the State government, or to any other purpose, and from parting with the said funds collected or to be collected, except as provided in the said act number three, and that it may be adjudged that the provisions of the said constitution of 1879, in so far as they conflict with the contract expressed in the said bonds, the act of 1874, and the constitutional amendment of 1874, are void, as being in conflict with the Constitution of the United States, and that the State of New York may have judgment against the State of Louisiana for the payment of all the consolidated bonds held by the citizens of the State of New York, with interest thereon, as the principal and interest become due, and against all the said defendants for the payment of the said coupons according to the terms thereof;

The plaintiff seeks an injunction out of this court, enjoining the said defendants, and each of them, as above set forth, and a writ of subpœna issuing out of this court directed to the said State of Louisiana, and to the said Louis A. Wiltz as governor, Edward A. Burke as treasurer, Samuel McEnery as lieutenant-governor, Allen Jumel as auditor, William A. Strong as secretary of state, Robert N. Ogden as speaker of the house of representatives of the said State, Samuel H. Kennedy

13 as fiscal agent of the said State, and a member of the board of liquidation thereof, for their appearance to answer this bill of complaint, and abide the judgment of this court.

HAMILTON WARD,
Attorney-General of the State of New York.
DORSHEIMER, BACON & DEYO,
Solicitors, and of Counsel for the Complainant.

DISTRICT OF COLUMBIA,
City of Washington:

William A. Duer, of the city of New York, being duly sworn, says that he is a member of the firm of Dorsheimer, Bacon and Deyo, which firm has been retained by and has authority to appear on behalf of the attorney-general of the State of New York as solicitors and assistant counsel for the complainant in this case; that deponent is a solicitor and counsellor of this court; that he has read the foregoing bill of complaint, and has inquired into the truth of the allegations therein made, and such allegations are true to the best of deponent's knowledge, information and belief.

WM. A. DUER.

Subscribed and sworn to before me this 25th day of April, 1881.
JAMES H. MCKENNEY,
Clerk Supreme Court United States

(Endorsed:) Supreme Court U. S., 1880. October term. No. 6. Original. The State of New York, complainant, vs. The State of Louisiana, Louis A. Wiltz, Edward A. Burke, Samuel McEnery, Allen Jumel, Wm. A. Strong, Robert N. Ogden, & Samuel H. Kennedy. Bill. Filed 25th April, 1881.

14 THE UNITED STATES OF AMERICA, *ss:*

[SEAL.] The President of the United States of America, to the State of Louisiana, Louis A. Wiltz, governor of the State of Louisiana; Edward A. Burke, treasurer of the State of Louisiana; Samuel McEnery, lieut. governor of the State of Louisiana; Allen Jumel, auditor of the State of Louisiana; William A. Strong, secretary of state of Louisiana; Robert N. Ogden, speaker of the house of representatives of the State of Louisiana; and Samuel H. Kennedy, fiscal agent of the State of Louisiana, & member of the board of liquidation thereof, greeting:

For certain causes offered before the Supreme Court of the United States, having jurisdiction in equity, you are hereby commanded that, laying all other matters aside, and notwithstanding any excuse, you be and appear before the said Supreme Court, holding jurisdiction in equity, on the second Monday of October next, at the city of Washington, in the District of Columbia, being the seat of the National
15 Government of the United States, to answer unto the bill of of complaint of the State of New York in the said court exhibited against you.

Hereof you are not to fail at your peril.

Witness the honorable Morrison R. Waite, Chief Justice of said Supreme Court, at the city of Washington, the 26th day of May, A. D. 1881.

JAMES H. MCKENNEY,
Clerk Supreme Court U. S.

Supreme Court of the United States.

MARSHAL'S OFFICE, 31*st May*, 1881.

I, John G. Nicolay, marshal of the Supreme Court of the United States, do hereby authorize and deputize Jack Wharton, U. S. marshal,

New Orleans, La., to serve the foregoing writ, and make due return thereof.

JOHN G. NICOLAY,
Marshal.

Received by Jack Wharton, U. S. marshal eastern district of Louisiana, New Orleans, June 4th, 1881, the foregoing writ and 7 cer-
16 tified copies thereof, together with accompanying bills of complaint, for services on the parties therein named, and served all the persons so named in the following manner, to wit, by handing the certified copies hereof to each on the following-named days and dates: On June 4th, 1881, on E. A. Burke, treasurer of the State of Louisiana; Samuel H. Kennedy, fiscal agent of the State of Louisiana, & J. C. Egan, attorney-general of the State of Louisiana; on June 6th, 1881, on Louis A. Wiltz, governor of the State of Louisiana; Allen Jumel, auditor State of Louisiana; June 22d, 1881, on S. D. McEnery, lieut.-governor State of Louisiana; Will A. Strong, secretary of the State of Louisiana; on September 15th, 1881, on Robert N. Ogden, speaker of the house of representatives State of Louisiana, who accepted service at Bay St. Louis, 80 miles from New Orleans.

Marshal's fees, $49.30, paid by complainant.

JACK WHARTON,
U. S. Marshal Eastern District of La.

(Endorsed:) Supreme Court U. S. 1881. October term. No. 6. Orig'l. The State of New York, complainant, vs. The State of La. et al. Subpœna & proof of service. Filed 3rd Oct., 1881.

17 Supreme Court of the United States.

THE STATE OF NEW YORK
vs.
THE STATE OF LOUISIANA ET AL.

ANSWERS OF THE DEFENDANTS.

John A. Campbell, solicitor for defendants.
J. C. Egan, attorney-general of Louisiana.

18 UNITED STATES OF AMERICA:

Supreme Court of the United States.

THE STATE OF NEW YORK, PLAINTIFF,
vs.
THE STATE OF LOUISIANA, GOVERNOR OF Louisiana, lieutenant-governor, auditor, treasurer, secretary of state, speaker of the house of representatives, State National Bank, the fiscal agent of the State, defendants.

The joint and several demurrers, plea, and answer of the defendants to the bill filed in the court and cause aforesaid.

The defendants aforesaid appear before this honorable court, and file their answer in compliance with its summons in this suit, and say—

That not till the filing of this bill were they informed that there ex-

isted a controversy between the States aforesaid; nor did they
19 know, nor had they been informed, that the plaintiff had, or pretended to have, a controversy, to be maintained in this court, with the State of Louisiana.

Nor that the State of New York owned or held thirty coupons detached from bonds issued by the State of Louisiana (as set forth in the 8th section of the bill) which had not been paid. Nor that the State of New York had any claim to make against the State of Louisiana in this court. These defendants aver that there has never been within their knowledge or belief any compact, agreement, intercourse, commerce, connection, business, or communication between these States whereby any relation of creditor and debtor arose between them; or wherein any bonds or coupons of the State of Louisiana were delivered, or contracted to be delivered, or wherein the same were received by the said plaintiff.

These defendants deny that there exists, or at any time before, or at the time of the filing of the bill of the plaintiff, any controversy between those States to which the judicial power granted in the Constitution of the United States extended. And these defendants do not admit the allegations of the bill which assert the existence of any relation of debtor and creditor between them as a motive or ground for this suit under the Constitution of the United States.

2. The defendants, for further answer to the bill, say, they are informed and believe that in May, 1880, the legislature of New York adopted an act entitled "An act to protect the rights of citizens of the State owning and holding claims against other States"; a copy of which is attached to this answer as Exhibit A.

Since the filing of the bill the defendants have been led to believe that there has been some assignment delivered according to this act to the attorney-general of the State of New York for the State, by some
person, of some coupons, with the intent that he should prosecute
20 a suit in this honorable court thereon, in the name of the State of New York, against the State of Louisiana.

The bill makes no description of the bonds from which the coupons are detached, nor any statement or description of coupons. Neither does the bill make any exhibition of the assignment held by the attorney-general, nor of the name of the citizen or citizens who are the beneficiaries of this suit, and who have acquired his license and aid to employ her name in this court. The fact that the bill is signed by associate solicitors and counsel who have deposed to the truth of its contents, would seem to indicate that the State was not the owner of any coupons except according to the conditions, and to attain the object or supposed object of the act aforesaid.

These defendants aver that the suit has not been instituted upon any controversy existing, or that has existed between the States, and that the State of New York has no pecuniary interest in the event of this suit and will receive no benefit therefrom, and that the only ground for the assertion of ownership is derived from an assignment, colorable and simulated, which has been delivered to the attorney-general, under the terms and conditions declared in the act of the 15th May, 1880, attached to this answer as an exhibit for the only purpose of maintaining this suit in this court.

These defendants aver that the State of New York has no right nor privilege, under the Constitution of the United States, to delegate to any citizen of hers an authority to use her name in this court to convoke one of her sister States to answer his complaint, or to secure a

redress to his supposed wrong, upon an allegation of a breach of her contract with him. Nor does the act itself authorize the attorney-general, except covertly and by implication, to bring this suit in this court against a sister State. These defendants insist that the
21 suit is not warranted by its terms. These defendants deny that there is any real controversy between the States, but aver this to be a simulated controversy which is not within the competency of this court to hear and determine under the Constitution and laws of the United States.

3. These defendants, for further answer, say that under the constitution and laws of Louisiana, there is, and has been since her admission into the Union, an immunity from suit from all persons for any cause unless with her consent specially conferred by the general assembly. Under the Constitution of the United States no individual nor corporation belonging to any State of the Union or any foreign state can maintain such a suit, and this immunity is declared in an amendment to the Constitution, as existing in the courts of the United States. All contracts, obligations, and intercourse between individuals and the State, from the organization of that State, have been made and conducted with knowledge of this immunity. No contract, obligation, agreement, has been made by the State whereby the State has consented or could consent to subject herself to a suit without such consent. Nor could any contract or agreement become the subject of a suit by any transfer or assignment to one of the States of the Union, whether that assignment be simulated, fictitious, feigned, or colorable, for the mere purpose of abusing the judicial power of the United States, or whether it be bona fide and for a valuable consideration.

4. These defendants, for further answer, say they admit the enactment of laws by the general assembly of the State of Louisiana, and promulgated as acts Nos. 3 and 4, A. D. 1874, in the acts of that assembly, and that in 1879 a constitution was adopted by the people of the State of Louisiana. The several acts of the general assembly referred
22 to in the bill are promulgated as public acts, and those, with the constitution, are noticed by this honorable court as the public law of the State without proof.

These defendants deny the capacity of the plaintiff in this suit to interrogate them in respect to the operation or effect of the constitution and statutes aforesaid, or to invoke the control of this honorable court over the defendants in the bill, who hold their commissions from the State. All the money within the treasury of the State at the time the bill was filed belonged to the State as her property, and none of the said officers have any faculty to make any disposition of any portion except as they are commanded by the State herself. Nor have they any power or authority to determine who is a creditor of the State, or what may be the character or degree of his claim, or whether he is to be recognized or paid. All these decisions are made only under specific directions, which none of these officers have had. These defendants all deny that there is any authority vested in any judicial tribunal to interfere with the disposition of any of that property contrary to the constitution of the State.

5. These defendants say that the bill of the plaintiff contains no description of coupons held by the plaintiff, nor does it furnish any information of their identity, and so these defendants are unable to make any answer in respect of them. Nor has the bill furnished information of the names and residences of citizens of the State of New York who are holders of the consolidated bonds of the State, nor whether they are

holders of bonds or coupons, and these defendants have no answer to make to the allegations in respect to the issue of bonds to such citizens.

6. These defendants severally claim the benefit of exception to this bill as if they had demurred thereto, because the same does not show a case within the original jurisdiction of this court sitting as a court of equity.

23 2. That the bill does not show a case in which a court of equity has jurisdiction, because of any insufficiency of the remedy at law.

3. That the bill does not show a case in which the relief prayed for can or ought to be granted, or that any decree should be made in favor of the plaintiff.

4. That the defendants, other than the State of Louisiana, are not competent to perform any act or duty in respect to the matters set forth in the bill, and are not subject to any claim set out in the bill, and are not proper parties to the same; and now the defendants having answered all the charges and allegations which, by the rules of the court, it is necessary or proper to answer to, the defendants pray to be dismissed with a decree against the plaintiff for all costs.

JOHN A. CAMPBELL,
Solicitor for Complainants.

24 EXHIBIT A.

CHAP. 298.—An act to protect the rights of citizens of this State owning and holding claims against other States. Passed May 15, 1880.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. Any citizen of this State, being the owner and holder of any valid claim against any of the United States of America, arising upon a written obligation to pay money, made, executed, and delivered by such State, which obligation shall be past due and unpaid, may assign the same to the State of New York, and deliver the assignment thereof to the attorney-general of the State. Such assignment shall be in writing, and shall be duly acknowedged before an officer authorized to take the acknowledgment of deeds, and the certificate of such acknowledgment shall be duly indorsed upon such assignment before the delivery thereof. Every such assignment shall contain a guaranty, on the part of the assignor, to be approved by the attorney-general, of the expenses of the collection of such claim, and it shall be the duty of the attorney-general, on receiving such assignment, to require, on behalf of such assignor, such security for said guaranty as he shall deem adequate.

SEC. 2. Upon the execution and delivery of such assignment, in the manner provided for in section one of this act, and furnishing the security as in said section provided, and the delivery of such claim to him, the attorney-general shall bring and prosecute such action or proceeding, in the name of the State of New York, as shall be necessary for the recovery of the money due on such claim, and the said attor-

25 ney-general shall prosecute such action or proceeding to final judgment, and shall take such proceedings after judgment as may be necessary to effectuate the same.

SEC. 3. The attorney-general shall forthwith deliver to the treasurer of the State, for the use of such assignor, all moneys collected upon such claim, first deducting therefrom all expenses incurred by him in the collection thereof, and said assignor, or his legal representatives,

shall be paid said money by said treasurer upon producing the check or draft therefor of the attorney-general to his or their order and proof of his or their identity.

SEC. 4. This act shall take effect immediately.

STATE OF NEW YORK,
Office of the Secretary of State, ss:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

JOSEPH B. CARR,
Secretary of State.

26 THE STATE OF LOUISIANA,
City of New Orleans:

The foregoing answer for the State of Louisiana is adopted by the governor for the State. As witness his hand and the seal of the State this fifth day of September, 1881.

[SEAL.] LOUIS A. WILTZ,
Gov. of La.

By the governor:

OSCAR AROYA,
Asst. Secretary of State.

27 Personally appeared before me, Andrew Hero, jr., a duly qualified notary public in the State and city aforesaid, the governor, lieutenant-governor, auditor, treasurer, and the acting president of the State National Bank, who severally made oath that the for egoing answer is adopted by them, and that the same is true in substance and matter of fact.

LOUIS A. WILTZ,
Gov. of La.
S. D. McENERY,
Lt. Gov. of La.
ALLEN JUMEL,
Auditor.
E. A. BURKE,
State Treasurer.
PIERRE LANAUX,
Vice-Pres't., ac'tg Pres'd't State Nat'l Bank.

Sworn to and subscribed before the undersigned, a duly commissioned and qualified notary public in and for the parish of Orleans, State of Louisiana, at New Orleans, this September 10, 1881, as witness my hand and seal,

[SEAL.] ANDREW HERO, JR.,
Not. Pub.

(Endorsed:) Sup. Court U. S. 1881, October term, No. 6. Original. The State of New York, compe'l't vs. The State of La. et al.

28 Answer to bill. Answer of State of La., L. A. Wiltz, governor; S. D. McEnery, lieut.-governor; Allen Jumel, auditor; E. A. Burke, treasurer; and Pierre Lanaux, acting president State National Bank. Filed 7th October, 1881.

28½ NOTE.—Here follows duplicate of foregoing answer, signed as follows:

R. N. OGDEN,
Speaker H. R.
WILL A. STRONG,
Sec'y of State.

40 On the 11th day of October, 1881, the following entry appears of record, to wit:

THE STATE OF NEW YORK, COMPLAINANT, }
vs. } Original.
THE STATE OF LOUISIANA ET AL. }

Mr. J. A. Campbell filed a suggestion of the death of Louis A. Wiltz, governor of the State of Louisiana, one of the defendants in this cause.

41 Supreme Court of the United States, October term, 1881.

THE STATE OF NEW YORK, }
vs. }
THE STATE OF LOUISIANA, ET. AL. }

The defendants in the cause aforesaid have appeared & filed answers to the bill.

They suggest the death of Louis A. Wiltz, late governor, & state the fact that the lieutenant-governor, a party to the suit, fills the office of governor.

The defendants move the court for leave to file a cross-bill and that the defendants answer the same sixty days after service of the subpœna.

J. A. CAMPBELL,
Solicitor.

42 Supreme Court of the United States.

THE STATE OF LOUISIANA ET AL. }
vs. }
STATE OF NEW YORK. }

The plaintiffs move the court for leave to file this cross-bill in the suit of the State of New York vs. The State of Louisiana et al., & that a subpœna issue to the defendant to answer sixty days after the service.

Also to suggest the death of the governor, Louis A. Wiltz, & that the lieutenant-governor, a party to the suit, succeeds him.

JOHN A. CAMPBELL.

(Endorsed:) Supreme Court U. S., 1881, October term. No. 6. Orig'l. The State of New York, complainant, vs. the State of La., et. al. Motion for leave to file cross-bill, and for a subpœna and suggestion of death of Louis A. Wiltz, governor. Filed 17 Oct., 1881.

43 On the 17th day of October, 1881, the following entry appears of record, to wit:

THE STATE OF NEW YORK, COMPLAINANT,
vs.
THE STATE OF LOUISIANA ET AL. } Original.

On motion of Mr. J. A. Campbell, leave is hereby granted to file a cross-bill in this cause, and subpœnas are ordered to be issued returnable sixty days after service of the same.

44 Supreme Court of the United States.

THE STATE OF LOUISIANA ET AL.
vs.
THE STATE OF NEW YORK.

Cross-bill.

John A. Campbell, solicitor for plaintiff.
J. C. Egan, attorney-general of Louisiana.

45 UNITED STATES OF AMERICA:

Supreme Court of the United States.

To the honorable the Chief Justice and the associate justices of the Supreme Court of the United States, exercising original jurisdiction, in equity:

The State of Louisiana, Louis A. Wiltz, governor of that State; Samuel McEnery, lieutenant-governor; Allen Jumel, auditor, Edward A. Burke, treasurer, Wm. A. Strong, secretary of state; Robert N. Ogden, speaker of the house of representatives; and the State National Bank, fiscal agent of the said State, bring this bill in the court aforesaid, against the State of New York, Hamilton Ward, attorney-general, and Wm. A. Duer, a citizen of the State of New York.

And thereupon your orators complain and say:

That on the 25th April, A. D. 1881, there was filed in this court in the name of the State of New York an original bill, on the equity side of the court, against your orators as defendants, and each of your orators have appeared to the bill according to the summons contained in the process issued thereon, and have filed answers thereto in this honorable court.

46 2. Your orators further complain and say, that the State of New York claims in her bill that she is the owner and holder of thirty coupons detached from the consolidated bonds of the State of Louisiana, issued under the authority of an act of the general assembly of that State, approved January 24th, 1874, and promulgated as act No. 3, of the session of that year, each bond being for one thousand dollars, and that ten coupons for interest due on the first of January, 1880; ten due the first of July, 1880; and ten due first of January, 1881, being for thirty-five dollars each, are not paid; wherefore the State sues for the enforcement of payment in this court, as is shown by the bill on file in this court, to which reference is craved.

3. Your orators further complain and say, that the name of Hamilton Ward, attorney-general of New York, is signed to this bill, and that of a law firm, of which Wm. A. Duer is a member, and who describes his firm as solicitors and assistant counsel for the complainant in this case, in a deposition in which he states he has inquired into the truth of the

allegations made in the bill and deposes to the truth thereof, as is shown on the bill to which reference is made.

4. Your orators further complain and say that in the answer to this bill they have denied the truth of the statement as made therein that the State of New York is the owner and holder of thirty coupons detached from consolidated bonds of the State of Louisiana, and deny the claim of the State of New York to maintain a suit against the State of Louisiana and the officers of the State upon any title she may have as matter of fact to the coupons referred to in the bill, but that if there be any coupons in any manner in her control, they were delivered so as to obtain the use of the name of the State to represent as a real
47 controversy what is but a fictitious and counterfeit controversy, of which this honorable court could not take cognizance. And your orators have set forth in their answers an act of the legislature of New York to show that persons are permitted in that State to make assignments of written contracts of States of the Union to New York, and upon a satisfactory arrangement with her attorney-general in regard to the payment of costs and expenses and fees, he is empowered to sue for the assignors in the name of the State, and he is charged to be a trustee for the assignors, and to account to them, provided the treasury of New York did in no wise suffer.

5. And your orators further complain and say that the said State of New York has not set forth in the bill filed any description of the coupons which she alleges to have by which your orators can ascertain them, nor set forth the assignment made to the State, nor the names of the assignors, but have concealed the fact by the deceptive allegation that the State of New York has full property and is maintaining a suit in her own right and in respect to her own wrongs.

Your orators believe and charge that the assignments of coupons have been made to the State of New York for no other purpose than to afford some evidence for the allegation aforesaid, and that this bill might present a fictitious and simulated controversy between the States of New York and Louisiana as a substantial controversy, and with no other aim than to impose upon this honorable court the determination of suits and causes of complaint of individuals, copartnerys, or syndicates with the State of Louisiana and her officers and agents under this disguise of a controversy with New York, contrary to the meaning and intent of the Constitution and laws of the United States, the order, rule, and authority of this court, and is offensive to equity and good conscience. And whereas the assignments and other acts are under
48 the control of the State of New York, her attorney-general and his associates, and that it is not safe for your orators to go to trial without a full and true discovery from the defendant, the State of New York, her attorneys and agents, your orators file this bill of discovery as a cross-bill at the same time as they file their answers.

To the end, therefore, that the said defendants may make a full and true disclosure and discovery of the facts and circumstances needful to the support of the defence of your orators to the suit aforesaid, your orators pray that the State of New York may answer the interrogatories underwritten and set forth, and numbered as 1, 2, 3, 4, 5, 6, 7, to the best of the knowledge, information, remembrance, and belief of said State, under the seal of the State, and that said attorney-general and the solicitor, Wm. A. Duer, answer on their corporal oaths to the same interrogatories.

1. Did the State of New York own, hold, and have as property thirty coupons detached from the consolidated bonds of the State of

Louisiana, as issued under the act of the general assembly of that State, promulgated as No. 3 of the acts of 1874, at the time of filing her bill in this court, the 25th April, 1881, against the plaintiffs in this suit?

2. If you say that New York owned and held such coupons, answer under what assignment or transfer of such coupons were the ownership and possession conveyed, and what obligation or duty was imposed thereby or as a consequence thereof upon the State of New York, the attorney-general of New York, and the assignor or assignors of the said coupons relative to the use of the same as the subject of a suit in the Supreme Court of the United States—what was to be done by each of these parties in respect to them?

49 3. What are the terms of the assignment or conveyance of the thirty coupons to the State of New York? What are the numbers and other descriptive marks of the coupons; and who made the assignment as assignor or assignors, and what person delivered into the possession of the State or the attorney-general the thirty coupons, and at what date this was done; or has there been an actual delivery?

4. Where have the coupons been deposited since the 25th April, 1881, and in whose immediate custody and control have they since been, and where are they at this date?

5. Who agreed with the attorney-general to deliver the thirty coupons and the assignment thereof? Who paid or contracted to pay the sums necessary for the prosecution of the suit in the Supreme Court of the United States in the name of the State of New York, in conformity to the act of the legislature of New York, entitled "An act to protect the rights of citizens of this State holding claims against other States," passed May 15, 1880. Was the agreement, payment, and delivery of the bonds made by the assignor personally, or by an agent or attorney, and by whom?

6. When was the bill of the State of New York signed by the attorney-general of the State, and who prepared the bill? Was it prepared by the attorney of the assignor or assignors or by the attorney-general of the State of New York?

7. Has the State of New York paid, or agreed to pay, any sum of money, either for the costs of this suit or the fees of counsel, in the prosecution of the suit, and if any money is collected either by compromise with the State of Louisiana or by means of a judgment of the Supreme Court, will the State of New York receive any part thereof, and what part thereof?

50 And your orators pray that the process of supœna be issued from this court to the several defendants, according to the rule of the court in such cases, to answer the allegations of the bill above written, and that there be no hearing of the main cause until their answers be filed. And your orators pray that the defendants be taxed with all the costs of this suit and of the principal suit.

J. C. EGAN,
Att'y General of La.
JOHN A. CAMPBELL,
Solicitor.

(Endorsed:) Supreme Court U. S., 1881., October term. No. 6. Original. The State of New York, complainant, vs. The State of Louisiana et al. Cross bill. Filed 17 Oct'r, 1881.

51 THE UNITED STATES OF AMERICA, *ss:*

[SEAL] The President of the United States of America to the State of New York, Hamilton Ward, attorney-general, & Wm. A. Duer, greeting:

For certain causes offered before the Supreme Court of the United States having jurisdiction in equity, you are hereby commanded that, laying all other matters aside, and notwithstanding any excuse, you be and appear before the said Supreme Court, holding jurisdiction in equity, within sixty days after the service hereof, at the city of Washington, in the District of Columbia, being the seat of the national Government of the United States, to answer unto the bill of complaint of the State of Louisiana, Louis A. Wiltz, governor of that State, Samuel McEnery, lieut.-governor, Allen Jumel, auditor, Edward A.
52 Burke, treasurer, William A. Strong, secretary of state, Robert N. Ogden, speaker of the house of representatives, and the State National Bank, fiscal agent of the said State, in the said court exhibited against you.

Hereof you are not to fail at your peril.

Witness the honorable Morrison R. Waite, Chief Justice of the said Supreme Court, at the city of Washington, the twenty-second day of October, A. D. 1881.

JAMES H. MCKENNEY,
Clerk Supreme Court, U. S.

I certify that I have this third day of November, A. D. 1881, served the within writ at Albany, New York, in my district, by reading the same to Alonzo B. Cornell, governor of the State of New York, and showing him the seal thereof, and by delivering to him a certified copy of the same with its accompanying papers; and I do further cer-
53 tify that I have also this third day of November, 1881, served the said writ by reading the same to Hamilton Ward, attorney-general of the said State of New York, and showing him the seal thereof, and by delivering to him a certified copy of the same with its accompanying papers.

Dated Albany, N. Y., Nov. 3d, 1881.

C. D. MACDOUGALL,
U. S. Marshal.
By JAS. H. KELLY, *Deputy.*

(Endorsed:) Supreme Court U. S. 1881, October term. Original. No. 6. The State of New York, complainant, vs. The State of Louisiana et al. Cross-bill. Subpœna and proof of service. Filed 5th November, 1881.

54 THE UNITED STATES OF AMERICA, *ss:*

[SEAL.] The President of the United States of America to the State of New York, Hamilton Ward, attorney-general, and William A. Duer, greeting:

For certain causes offered before the Supreme Court of the United States, having jurisdiction in equity, you are hereby commanded that, laying all other matters aside, and notwithstanding any excuse, you be and appear before the said Supreme Court, holding jurisdiction in equity, within sixty days after the service hereof, at the city of Washington,

in the District of Columbia, being the seat of the National Government of the United States, to answer unto the bill of complaint of the State of Louisiana, Louis A. Wiltz, governor of that State; Samuel McEnery, lieutenant-governor; Allen Jumel, auditor; Edward A. Burke, treasurer; Wm. A. Strong, secretary of state; Robert N. Ogden,
55 speaker of the house of representatives; and the State National Bank, fiscal agent of the said State, in the said court exhibited against you.

Hereof you are not to fail at your peril.

Witness the honorable Morrison R. Waite, Chief Justice of the said Supreme Court, at the city of Washington, the twenty-second day of October, A. D. 1881.

JAMES H. McKENNEY,
Clerk Supreme Court U. S.

I hereby certify that on the 5th day of November, 1881, at the city of New York, in my district, I personally served the within writ upon the within named William A. Duer, by exhibiting to him the within original, and at the same time leaving with him a copy thereof, and at the same time I delivered to him a copy of the cross-bill in this suit. Dated Nov. 5, 18 .

J. E. D.

HENRY E. KNOX,
U. S. Marshal S. D. N. Y.

56 (Endorsed:) Supreme Court U. S. 1881, October term. No. 6. Original. The State of New York, complainant, vs. The State of Louisiana et al. Subpœna and proof of service. Cross-bill. Filed 8th November, 1881.

On the 5th day of December, A. D. 1881, the following entry appears of record, to wit:

THE STATE OF NEW YORK, COMPLAINANT,
vs.
THE STATE OF LOUISIANA ET AL. } Orig'l.

On motion of Mr. W. A. Duer, of counsel for the complainant, leave is hereby granted to file answers to the cross-bill filed in this cause, & leave is also granted to file replication to the answer of the State of Louisiana et al. to the original bill filed in this cause, & a commission is hereby ordered to be issued to Sidney DeKay, a special commissioner, to take testimony in this cause.

57 Supreme Court of the United States.

THE STATE OF LOUISIANA, LOUIS A. WILTZ, governor of that State; Samuel McEnery, lieutenant-governor; Allen Jumel, auditor; Edward A. Burke, treasurer; Wm. A. Strong, secretary of state; Robert N. Ogden, speaker of the house of representatives; and the State National Bank, fiscal agent of the said State.

against

THE STATE OF NEW YORK, HAMILTON WARD, attorney-general, and William A. Duer.

The answer of the State of New York, one of the defendants, to the cross-bill of the State of Louisiana, Louis A. Wiltz, governor of that State; Samuel McEnery, lieutenant-governor; Allen Jumel, auditor; Edward A. Burke, treasurer; William A. Strong, secretary of state; Robert N. Ogden, speaker of the house of representatives; and the State National Bank, fiscal agent of the said State.

58 This defendant for answer saith:

First. That this defendant is the owner and holder of thirty coupons detached from the consolidated bonds of the State of Louisiana, issued under the authority of an act of the general assembly of that State, approved January 24th, 1874, and promulgated as act number three of the session of that year, each bond being for one thousand dollars; and that the said coupons, to wit, ten coupons for interest due on the first day of January, 1880; ten due on the first day of July, 1880; and ten due on the first day of January, 1881, being for thirty-five dollars each, have not been paid.

Second. In answer to the interrogatories set forth in the said cross-bill, this defendant alleges as follows:

I. In answer to the first interrogatory: The State of New York owned and held the said thirty coupons detached from the said bonds of
59 the State of Louisiana on the 25th day of April, 1881.

II. In answer to the second interrogatory: The State of New York owned and held the said coupons under an assignment of which the following is a copy:

Know all men by these presents, that we, the undersigned citizens of the State of New York, being the owners and holders of valid claims against the State of Louisiana, arising upon written obligations to pay money, made, executed, and delivered by the State of Louisiana, and now past due and unpaid, being the coupons hereto annexed, in consideration of one dollar to each of us paid by the State of New York and for other good and valuable considerations, hereby assign and transfer the said claims and coupons to the State of New York.

And we do hereby covenant with the said State that if an attempt is made by it to collect the said claims from the State of
60 Louisiana, we will pay all the expenses of the collection of the same.

In witness whereof we have hereunto set our hands and affixed our seals this twentieth day of April, in the year of our Lord one thousand eight hundred and eighty-one.

E. H. GOODNOW. [L. S.]
BENJ. GRAHAM. [L. S.]

Sealed and delivered in the presence of—
FRANK M. CARSON.

STATE OF NEW YORK,
City and County of New York, ss:

On this 20th day of April, in the year one thousand eight hundred and eighty-one, before me personally came E. H. Goodnow & Benjamin Graham, to me personally known to be the individuals described in and who executed the foregoing instrument and severally ac knowledged to me that they executed the same.

Witness my hand and seal the day & year last above written.

[L. S.] J. C. FRENCH,
Notary Public Kings Co., c'y filed in N. Y. Co.

61 III. In answer to the third interrogatory: The terms of the said assignment appear in answer in the second interrogatory.

The following is a copy of one of the coupons mentioned in the said assignment, all the others are like it:

Act of Jan'y 24th, 1874.

Consolidated bond.

$35.] [35.

The State of Louisiana will pay the bearer on the first day of January, 1881, thirty-five dollars in lawful money of the United States in New Orleans or New York, at the option of the holder, being six months' interest on consolidated bond N. 7563, coupon No. 14.

A'NE DUBUCLET, *Treasurer.*

CHAS. CLINTON, *Auditor.*

And the said coupons are numbered respectively as follows: 4126, 4128, 4129, 4669, 4767, 5596, 5826, 6352, 6963, 7563, 7794, each No. 12, 13, 14.

The said coupons were delivered into the possession of the State of New York by delivering the same to the attorney-general thereof
62 on the 22nd day of April, 1881.

IV. In answer to the fourth interrogatory. The said coupons now are and have been in the immediate custody and control of the said attorney-general ever since they were so delivered to him as aforesaid.

V. In answer to the fifth interrogatory. The persons named in the said assignment agreed to deliver the said coupons and the assignment thereof, and they also contracted to pay the sums necessary for the prosecution of the suit in the Supreme Court of the United States in the name of the State of New York, in conformity to an act of the legislature thereof, entitled "An act to protect the rights of citizens of this State holding claims against other States," passed May 15th, 1880.

Such agreement, payment, and delivery of the said coupons were
63 made through the office of Dorsheimer, Bacon & Deyo, attorneys and counsellors at law, in the city of New York.

VI. In answer to the sixth interrogatory. The bill of complaint in the said suit was signed by the attorney-general on the 22nd day of April, 1881. It was prepared by counsel for the assignors, and before signature by the attorney-general submitted to him for his approval.

VII. In answer to the seventh interrogatory. The State of New York has not paid or agreed to pay any sum of money either for the costs of this suit or the fees of its counsel in the prosecution of the suit, and any money collected by means of a judgment in the said suit will be the property of the State of New York subject to the provisions of the act of the legislature hereinbefore mentioned.

Third. And this defendant, further answering, denies all unlawful combination or conspiracy wherewith it is by the said cross-bill

64 charged. And this defendant asks leave to be dismissed with its reasonable costs in this behalf sustained.

[SEAL.] ALONZO B. CORNELL.

HAMILTON WARD,
Attorney-General, State of New York.
FIELD, DORSHEIMER, BACON & DEYO,
Solicitors.

(Endorsed:) Supreme Court U. S., 1881. October term. No. 6. Original. The State of New York, complainant, vs. The State of Louisiana et al. On cross-bill. Answer of the State of New York to cross-bill. Filed 5th December 1881.

65 Supreme Court of the United States.

THE STATE OF LOUISIANA, LOUIS A. WILTZ, governor of that State, Samuel McEnery, lieutenant-governor, Allen Jumel, auditor, Edward A. Burke, treasurer, Wm. A. Strong, secretary of state, Robert N. Ogden, speaker of the house of representatives, and the State National Bank, fiscal agent of the said State,
against
THE STATE OF NEW YORK, HAMILTON WARD, attorney-general, and William A. Duer.

The separate answer of Hamilton Ward, attorney-general of the State of New York, one of the defendants to the cross-bill of the State of Louisiana, Louis A. Wiltz, governor of that State, Samuel McEnery, lieutenant-governor, Allen Jumel, auditor, Edward A. Burke, treasurer, William A. Strong, secretary of state, Robert N. Ogden, speaker of the house of representatives, and the State National Bank, fiscal agent of the said State.

66 This defendant for answer saith:

First. That the State of New York is the owner and holder of thirty coupons detached from the consolidated bonds of the State of Louisiana, issued under the authority of an act of the general assembly of that State, approved January 24th, 1874, and promulgated as act number three of the session of that year, each bond being for one thousand dollars; and that the said coupons, to wit, ten coupons for interest due on the first day of January, 1880, ten due on the first day of July, 1880, and ten due on the first day of January, 1881, being for thirty-five dollars each, have not been paid.

Second. In answer to the interrogatories set forth in the said cross-bill this defendant alleges as follows:

I. In answer to the first interrogatory. The State of New York owned and held the said thirty coupons detached from the said bonds of
67 the State of Louisiana, on the 25th day of April, 1881.

II. In answer to the second interrogatory. The State of New York owned and held the said coupons under an assignment, of which the following is a copy:

Know all men by these presents that we, the undersigned, citizens of the State of New York, being the owners and holders of valid claims

against the State of Louisiana, arising upon written obligations to pay money, made, executed, and delivered by the State of Louisiana, and now past due and unpaid, being the coupons hereto annexed, in consideration of one dollar to each of us paid by the State of New York, and for other good and valuable considerations hereby assign and transfer the said claims and coupons to the State of New York.

And we do hereby covenant with the said State that if an attempt is made by it to collect the said claim from the State of Louisiana,
68 we will pay all the expenses of the collection of the same.

In witness whereof we have hereunto set our hands and affixed our seals this twentieth day of April, in the year of our Lord one thousand eight hundred and eighty-one.

E. K. GOODNOW. [L. S.]
BENJ'N GRAHAM. [L. S.]

Sealed & delivered in presence of—
FRANK M. CARSON.

STATE OF NEW YORK,
City & County of New York, ss:

On this 20th day of April, in the year of our Lord one thousand eight hundred and eighty-one, before me personally came E. K. *Gardner* and Benjamin Graham, to me personally known to be the individuals described in and who executed the foregoing instrument, and severally acknowledged to me that they executed the same.

Witness my hand and seal the day & year last above written.

[L. S.] J. C. FRENCH,
Notary Public, Kings Co., Cy, filed in N. Y. Co.

69 III. In answer to the third interrogatory. The terms of the said assignment appear in the answer to the second interrogatory.

The following is a copy of one of the coupons mentioned in the said assignment; all the others are like it.

Consolidated bond.—Act of Jan'y 24th, 1874.

$35.] [$35.

The State of Louisiana will pay the bearer on the first day of Jan'y, 1881, thirty-five dollars, in lawful money of the United States, in New Orleans or New York, at the option of the holder, being six months' interest on the consolidated bond No. 7563. Coupon No. 14.

CHAS. CLINTON, *Auditor*. A'NE DUBUCLET, *Treasurer*.

And the said coupons are numbered, respectively, as follows: 4126, 4128, 4129, 4669, 5596, 5826, 6352, 6963, 7563, 7794, each No. 12, 13, 14. The said coupons were delivered into the possession of the State of New York by delivering the same to the attorney-general thereof on
70 the 22nd day of April, 1881.

IV. In answer to the fourth interrogatory: The said coupons now are, and have been, in the immediate custody and control of the said attorney-general ever since they were so delivered to him as aforesaid.

V. In answer to the fifth interrogatory: The persons named in the

said assignment agreed to deliver the said coupons and the assignment thereof, and they also contracted to pay the sums necessary for the prosecution of the suit in the Supreme Court of the United States in the name of the State of New York, in conformity to an act of the legislature thereof, entitled "An act to protect the rights of citizens of this State holding claims against other States," passed May 15th, 1880. Such agreement, payment, and delivery of the said coupons were made through the office of Dorsheimer, Bacon & Deyo, attornies and
71 counsellors at law, in the city of New York.

VI. In answer to the sixth interrogatory: The bill of complaint in the said suit was signed by the attorney-general on the 22nd day of April, 1881. It was prepared by counsel for the assignors, and before signature by the attorney-general submitted to him for his approval.

VII. In answer to the seventh interrogatory: The State of New York has not paid, or agreed to pay, any sum of money either for costs of this suit of the fees of its counsel in the prosecution of this suit, and any money collected by means of a judgment in the said suit will be the property of the State of New York, subject to the provisions of the act of the legislature hereinbefore mentioned.

Third. And this defendant, further answering, denies all unlaw-
72 ful combination or conspiracy wherewith it is by the said cross-bill charged.

And this defendant asks leave to be dismissed with his reasonable costs in this behalf sustained.

HAMILTON WARD,
Attorney-General of the State of New York.

FIELD, DORSHEIMER, BACON & DEYO,
Solicitors.

STATE OF NEW YORK,
City & County of Albany,
Northern District of New York, ss:

Hamilton Ward, being duly sworn, deposes and says, that he is the defendant named in the foregoing answer subscribed by him; that he has read the same, and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated on information and belief, and as to these matters he verily believes it to be true.

HAMILTON WARD.

73 Subscribed and sworn to before me this 23d day of November, 1881.

[NOTARY PUBLIC.] WILLIS E. MERRIMAN,
Notary Public, Albany Co.

STATE OF NEW YORK,
City and County of Albany,
Clerk's Office, ss:

I, John Larkin, clerk of the said city and county, and also clerk of the supreme and county courts, being courts of record held therein, do hereby certify that Willis E. Merriman, whose name is subscribed to the jurat of the annexed affidavit, was, on the day of the date thereof, a notary public in and for the county of Albany, dwelling in said county, duly authorized to administer oaths for general purposes; and that I am well acquainted with the handwriting of the said notary pub-
74 lic, and verily believe that the signature to the said jurat is genuine.

In testimony whereof, I have hereunto set my hand and affixed my official seal, this 23rd day of Nov., 1881.

[SEAL.] JOHN LARKIN, *Clerk.*

(Endorsed:) Supreme Court U. S. 1881, October term. No. 6. Original. The State of New York, complainant, vs. The State of Louisiana et al. On cross-bill. Answer of Hamilton Ward to cross-bill. Fled 5th Dec., 1881.

75 Supreme Court of the United States.

THE STATE OF LOUISIANA, LOUIS A. WILTZ, governor of that State; Samuel McEnery, lieutenant-governor; Allen Jumel, auditor; Edward A. Burke, treasurer; Wm. A. Strong, secretary of state; Robert N. Ogden, speaker of the house of representatives; and the State National Bank, fiscal agent of the said State,

against

THE STATE OF NEW YORK, HAMILTON WARD, attorney-general, and William A. Duer.

The separate answer of William A. Duer, one of the defendants to the cross-bill of the State of Louisiana; Louis A. Wiltz, governor of that State; Samuel McEnery, lieutenant-governor; Allen Jumel, auditor; Edward A. Burke, treasurer; William A. Strong, secretary of state; Robert N. Ogden, speaker of the house of representatives; and
76 the State National Bank, fiscal agent of the said State.

This defendant, for answer, saith;

First. That the State of New York is the owner and holder of thirty coupons, detached from the consolidated bonds of the State of Louisiana, issued under the authority of an act of the general assembly of that State, approved January 24th, 1874, and promulgated as act number three of the session of that year, each bond being for one thousand dollars; and that the said coupons, to wit, ten coupons for interest due on the first day of January, 1880; ten due on the first day of July, 1880, and ten due on the first day of January, 1881, being for thirty-five dollars each, have not been paid.

Second. In answer to the interrogatories set forth in the said cross-bill, this defendant alleges as follows:

I. In answer to the first interrogatory: The State of New York owned and held the said thirty coupons detached from the said bonds
77 of the State of Louisiana on the 25th day of April, 1881.

II. In answer to the second interrogatory: The State of New York owned and held the said coupons under an assignment of which the following is a copy:

Know all men by these presents, that we, the undersigned, citizens of the State of New York, being the owners and holders of valed claims against the State of Louisiana, arising upon written obligations to pay money, made, executed, and delivered by the State of Louisiana, and now past due and unpaid, being the coupons hereto annexed, in consideration of one dollar to each of us paid by the State of New York, and for other good and valuable considerations, hereby assign and transfer the said claims and coupons to the State of New York.

And we do hereby covenant with the said State that if an at-
78 tempt is made by it to collect the said claim from the State of Louisiana we will pay all the expenses of the collection of the same.

In witness whereof we have hereunto set our hands and affixed our seals this twentieth day of April, in the year of our Lord one thousand eight hundred and eighty-one.

E. K. GOODNOW. [L. S.]
BENJ. GRAHAM. [L. S.]

Sealed & delivered in presence of—
FRANK M. CARSON.

STATE OF NEW YORK,
City & County of New York, ss:

On this 20th day of April, in the year of our Lord one thousand eight hundred and eighty-one, before me personally came E. K. Goodnow and Benjamin Graham, to me personally known to be the individuals described in and who executed the foregoing instrument, and severally acknowledged to me that they executed the same. Witness my
79 hand and seal the day and year last above written.

[L. S.] J. C. FRENCH,
Notary Public, Kings Co., c'y filed in N. Y. Co.

III. In answer to the third interrogatory: The terms of the said assignment appear in the answer to the second interrogatory.

The following is a copy of one of the coupons mentioned in the said assignment. All the others are like it:

Consolidated bond.—Act of Jan'y 24th, 1874.

$35.] [$35.

The State of Louisiana will pay the bearer, on the first day of July, 1881, thirty-five dollars in lawful money of the United States, in New Orleans or New York, at the option of the holder, being six months' interest on the consolidated bond No. 7563. Coupon No. 14.

CHARLES CLINTON, *Auditor.* A'NE DUBUCLET, *Treasurer.*

80 And the said coupons are numbered, respectively, as follows: 4126, 4128, 4129, 4669, 5596, 5826, 6352, 6963, 7563, 7794; each No. 1213, 14. The said coupons were delivered into the possession of the State of New York by delivering the same to the attorney-general thereof on the 22nd day of April, 1881.

IV. In answer to the fourth interrogatory: The said coupons now are and have been in the immediate custody and control of the said attorney-general ever since they were so delivered to him as aforesaid.

V. In answer to the fifth interrogatory: The persons named in the said assignment agreed to deliver the said coupons and the assignment thereof, and they also contracted to pay the sums necessary for the prosecution of the suit in the Supreme Court of the United
81 States, in the name of the State of New York, in conformity to an act of the legislature thereof, entitled "An act to protect the rights of citizens of this State holding claims against other States;" passed May 15th, 1880. Such agreement, payment, and delivery of the said coupons were made through the office of Dorshiemer, Bacon & Deyo, attorneys and counsellors at law, in the city of New York.

VI. In answer to the sixth interrogatory: The bill of complaint in the said suit was signed by the attorney-general on the 22nd day of April, 1881. It was prepared by counsel for the assignors, and before signature by the attorney-general submitted to him for his approval.

VII. In answer to the seventh interrogatory: The State of New York has not paid, or agreed to pay, any sum of money either for the costs of this suit or the fees of its counsel in the prosecution of
82 this suit, and any money collected by means of a judgment in the said suit will be the property of the State of New York, subject to the provisions of the act of the legislature hereinbefore mentioned.

Third. And this defendant, further answering, denies all unlawful combination or conspiracy wherewith he is by the said cross bill charged.

And this defendant asks leave to be dismissed with his reasonable costs in this behalf sustained.

WM. A. DUER.

FIELD, DORSHIEMER BACON, & DEYO,
Solicitors.

STATE OF NEW YORK,
City & County of New York,
Southern District of New York, ss:

William A. Duer, being duly sworn, deposes and says, that he
83 is one of the defendants named in the foregoing answer subscribed by him; that he has read the same and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated on information and belief, and as to those matters he verily believes it to be true.

WM. A. DUER.

Subscribed and sworn to before me this 1st day of December, 1881.
THOMAS J. PURDY,
Notary Public, N. Y. Co.

STATE OF NEW YORK,
City & County of New York, ss:

I, William A. Butler, clerk of the city and county of New York, and also clerk of the supreme court for the said city and county, being a court of record, do hereby certify that Thomas J. Purdy, before whom the annexed deposition was taken, was, at the time of taking the
84 same, a notary public of New York, dwelling in said city and county, duly appointed and sworn and authorized to administer oaths to be used in any court in said State, and for general purposes, and that his signature thereto is genuine, as I verily believe.

In testimony whereof I have hereunto set my hand, and affixed the seal of the said court and county the 1 day of Dec., 1881.

WM. A. BUTLER, *Clerk.*

(Endorsed:) Supreme Court U. S. 1881, October term. No. 6. Original. The State of New York, complainant, vs. The State of Louisiana. On cross-bill. Answer of William A. Duer to cross-bill. Filed 5th Dec., 1881.

85 Supreme Court of the United States.

THE STATE OF NEW YORK, PLAINTIFF,
against
THE STATE OF LOUISIANA, governor of Louisiana, lieutenant-governor, auditor, treasurer, secretary of state, speaker of the house of representatives, State National Bank, the fiscal agent of the State, defendants.

The replication of the State of New York, complainant, to the answer of the State of Louisiana, governor of Louisiana, lieutenant-governor, auditor, treasurer, secretary of state, speaker of the house of representatives, State National Bank, the fiscal agent of the State, defendants:

This repliant, saving all benefit of exception to any insufficiencies of the said answer, for replication thereunto, says that it will
86 aver, maintain, and prove its said bill of complaint to be true, certain, and sufficient in law to be answered unto, and that the said answer of the said defendants is uncertain, untrue, and insufficient to be replied unto by this repliant, without this, that any other matter or thing in the said answer contained material or effectual in the law to be replied unto, and not herein well and sufficiently replied unto, confessed or avoided, traversed or denied, is true. All which matters and things this repliant is and will *will* be ready to aver, maintain, and prove, as this court may direct, and asks for judgment, as by its said bill it has already asked.

HAMILTON WARD,
Attorney-General of the State of New York.
FIELD, DORSHIEMER, BACON & DEYO,
Solicitors.

87 (Endorsed:) Supreme Court U. S. 1881, October term. No. 6. Original. The State of New York, complainant, vs. The State of Louisiana et al. Original bill. Replication of the State of New York. Filed Dec. 5, 1881.

Supreme Court of the United States.

THE STATE OF NEW YORK
against
THE STATE OF LOUISIANA.

Stipulated that on the hearing of this suit the answers of the State of New York, Hamilton Ward, attorney-general, and William A.
88 Duer, to the cross-bill filed in this court by the State of Louisiana against the State of New York and others, may be read on behalf of the complaint herein as testimony in this suit.

JOHN A. CAMPBELL,
for Defendants.

(Endorsed:) Supreme Court U. S. 1881, October term. No. 6. Original. The State of New York, complainant, vs. The State of Louisiana et al. Stipulation that the answers of the State of New York, Hamilton Ward, attorney-general, and William A. Duer, to cross-bill of

State of La. be read on behalf of complainant as testimony in this suit. Filed 9 Jan'y, 1882.

89 On the 9th day of January, A. D. 1882, the following entry appears of record, to wit:

THE STATE OF NEW YORK, COMPLAINANT,
vs.
THE STATE OF LOUISIANA ET AL. } Original.

On motion of Mr. Wm. A. Duer, of counsel for the complainant, and on the stipulation of counsel on file; it is ordered that the answers of the State of New York, Hamilton Ward, attorney-general, and William A. Duer to the cross-bill of the State of Louisiana, filed in this cause, may be read on behalf of the complainant as testimony in this suit.

90 Supreme Court of the United States.

THE STATE OF NEW YORK, COMPLAINANT,
vs.
THE STATE OF LOUISIANA, DEFENDANT.

I, Sidney De Kay, special commissioner duly appointed under commission to take testimony in the above-entitled cause, a certified copy of the order granting which said commission is hereto attached, do hereby certify that the testimony hereunto annexed was duly taken by me as such special commissioner, and is the whole of said testimony so taken.

Dated New York, N. Y., March 25th, 1882.

SIDNEY DEKAY,
Special Commissioner, etc., etc.

91 Supreme Court of the United States. No. 6. Original. October term, 1881.

THE STATE OF NEW YORK, COMPLAINANT,
vs.
THE STATE OF LOUISIANA ET AL.

On motion of Mr. W. A. Duer, of counsel for the complainant, leave is hereby granted to file answers to the cross-bill filed in this cause, and leave is also granted to file replication to the answer of the State of Louisiana et al. to the original bill filed in this cause, and a commission is hereby ordered to be issued to Sidney De Kay as special commissioner to take testimony in this cause.

5th December, 1881.

True copy.

[SEAL.] Test: JAMES H. MCKENNEY,
Clerk Supreme Court U. S.

(Endorsed:) U. S. Supreme Court. The State of New York ag'st The State of Louisiana. Order that commission issue, &c.

92 Supreme Court of the United States.

THE STATE OF NEW YORK
vs.
THE STATE OF LOUISIANA.

On this 15th day of February, A. D. 1882, in pursuance of notice by plaintiffs to defendants, appeared before me, at one o'clock p. m., No. 115 Broadway, New York, the respective parties for the purpose of taking certain testimony on the part of plaintiffs.

For the plaintiffs, Messrs. Field, Dorsheimer, Bacon, & Deys by Mr. Wm. A. Duer.

For the defendants, Mr. W. D. Hennen.

Mr. Duer stated that owing to the death of a near relative of Hon'ble Chas. A. Rappallo, the witness whose testimony was to be taken to-day, plaintiffs would have to ask for an adjournment.

By consent an adjournment was taken to two o'clock p. m., February 16th, 1882.

SIDNEY DEKAY,
Special Commissioner.

93 FEBRUARY 16TH, 1882.

Adjourned by consent to February 17th, 1882, at 2 o'clock p. m.

SIDNEY DEKAY,
Special Commissioner.

FEBRUARY 17TH, 1882.

Adjourned by consent to February 18th, 1882, at 12 o'clock m.

SIDNEY DEKAY,
Special Commissioner.

FEBRUARY 18TH, 1882.

Adjourned by consent to February 20th, 1882, at 1 o'clock p. m.

SIDNEY DEKAY,
Special Commissioner.

FEBRUARY 20TH, 1882—1 p. m.

Present, the respective parties represented as before.

CHARLES A. RAPPALLO, called on the part of plaintiffs, being duly sworn, deposed as follows:

Q. You are a citizen of New York and a judge of the court of appeals?

A. I am, and have been a citizen always, and judge of the court of appeals since 1870.

94 Q. Are you the holder and owner of any of the consolidated bonds of the State of Louisiana issued under the act commonly known as No. three, and the constitutional ordinance of that State of 1874; and if so, how many?

(Objected to by defendant's counsel as irrelevant, incompetent, and immaterial, and as inadmissable under the pleadings.)

A. I purchased five thousand dollars of those bonds in October, 1877, and twenty thousand dollars more in 1879. Ten thousand on the 6th of January and 10 on 17th day of February, 1879. I parted with five of them, and still own twenty thousand dollars thereof.

Q. Are the five which you parted with still held by a citizen of New York?

A. They are.

Q. How much interest in arrears is due to you on those bonds?

A. The last interest which I received was an installment of the interest due in 1879; that is, I collected the interest due in July, 1879, and part of the interest due January, 1879, but no part of the interest due in January, 1880, or since then has been paid. How the interest in July, 1879, was obtained I do not know further than whatever
95 interest I received in 1879 I received through the Bank of New York.

Q. Are you desirous of obtaining payment of these interests through the intervention of the State of New York?

A. I certainly am.

CHAS. A. RAPALLO.

To each and all the foregoing questions defendant's counsel made the same objections as to the first.

Adjourned till 4 o'clock p. m.

SIDNEY DEKAY,
Special Commissioner.

Adjourned at 4 p. m. until 10 o'clock p. m., Feb'y 21st, 1882.

SIDNEY DEKAY,
Special Commissioner.

FEBRUARY 21ST, 1882.

Present, the respective parties as before.

On behalf of plaintiffs, WILLIAM W. SHERMAN, being duly sworn, deposed and testified as follows:

Q. Are you the cashier of the National Bank of Commerce in New York, transacting business in the city of New York?

A. I am.

Q. Is your bank the owner and holder of any of the consolidated
96 bonds of the State of Louisiana, issued under the act of that State, commonly known as act No. 3, of the statu's of 1874, and of the constitutional amendments of that year; and, if so, how many does the bank own, and for how long have they owned them?

(Objected to by defendant as irrelevant, incompetent, and immaterial, and inadmissible under the pleadings.)

A. We do own and hold one hundred and twenty-nine thousand dollars of those bonds and have owned and held them for several years. We have held them for over three years.

Q. When was interest last paid on those bonds?

(Same objections by defendants as before.)

A. I cannot tell.

Q. Has the interest been paid upon those bonds during the last three years?

(Same objections as before.)

A. To the best of my knowledge and belief it has not.

Q. Has the interest been paid on the first of January, 1880, or since?

(Same objections.)

97 A. No; it has not.

Q. Are you desirous of obtaining payment of these interests through the intervention of the State of New York?

(Same objections.)

A. We are.

Cross-examined by Mr. HENNEN:

Q. How many in number of these bonds does the bank hold?

A. There is $129,000 of these bonds, but the denominations of them I do not know. The par value of them in the aggregate is $129,000.

Q. Did the bank buy these bonds in the market?

A. The bank did not buy them in the market.

Q. How, then, did the bank become the holder and owner of them?

A. They took them in payment or part payment of a debt.

Q. Due by whom?

A. By one of its customers.

Q. Was this customer the State of Louisiana?

(Objected to as immaterial and irrelevant.)

A. It was not.

Q. Was this customer a citizen of New York?

A. That I am unable to state.

98 Q. Is it not true that the bank acquired the bonds which it holds and owns *not* by surrender claims which were held and owned by citizens of the State of New York against the State of Louisiana, and receiving therefor the consolidated bonds which it does hold?

(Objected to as immaterial and irrelevant.)

A. The bank did not acquire the bonds in that way; that is, by surrendering claims against the State of Louisiana and taking bonds therefor.

Q. Do you know how the customer or customers from whom the bank acquired these bonds acquired them themselves?

(Same objection.)

A. I do not.

W. W. SHERMAN.

Adjourned to 3.30 p. m.

SIDNEY DEKAY,
Special Commissioner.

FEB'Y 21st, 1882—3.30 p. m.

Adjourned to 3.30 p. m., Feb'y 23d, 1882.

SIDNEY DEKAY,
Special Commissioner.

FEB'Y 23D, 1882—3.30 p. m.

99 Present the respective parties as before. Adjourned till 3 p. m. Feb'y 24th, 1882.

SIDNEY DEKAY,
Special Commissioner.

FEB'Y 24TH, 1882, 3 p. m.

Adjourned till 4 o'clock p. m.

SIDNEY DDKAY,
Special Commissioner.

FEB'Y 24th, 1881—4 p. m.

Present, JOHN B. DUMONT, being duly sworn, deposes and testifies as follows:

Q. Do you know E. K. Goodnow and Benjamin Graham?

A. I do.

Q. Are they citizens of New York?

A. They are.

Q. And have been for years?

A. They have.

Q. Did you see them execute the assignment of the coupons to the State of New York mentioned in the bill of complaint in this cause?

I did.

Q. Did they cut the coupons from the bonds then and there in their possession?

100 A. They did.

Q. The bonds still are held by them?

A. They are; a copy of one of them is hereto annexed, marked Ex. A.

Q. You are one of the house of Jessup, Paton & Co.?

A. I am.

Q. Are you acquainted with the securities generally dealt in in the market of New York?

Yes; I am. I am a member of the New York Stock Exchange.

Q. How largely are the consolidated bonds of the State of Louisiana held in the State of New York?

A. Of course, as a matter of precise fact, I cannot say. Approximately, I should say, at least a million of dollars.

(Objections as to form waived by defendant, but objection taken to all of said questions as irrelevant, immaterial, and incompetent, and inadmissible under the pleadings.)

Cross-examined by Mr. HENNEN:

Q. How are you enabled to state that approximately there are one million of the bonds in question in the New York market?

101 A. From knowledge of actual ownership of four hundred thousand, and from conversation with parties who claim to be owners of bonds.

(Defendant' now objects to the evidence already given on the ground of its being partly hearsay.)

Q. Do you know of the owners of the four hundred thousand being citizens of the State of New York?

A. Some of these bonds are held by firms doing business in New York, some of the members of which live in New York and some out of New York.

J. B. DUMONT.

Adjourned to 12 m., Feb'y 25th, 1882.

SIDNEY DEKAY,
Special Commissioner.

FEB'Y 25, 1882—12 m.

Present: For the plaintiffs, Mr. Dudley Field; for the defendants,

On behalf of plaintiffs, THOMAS W. PEARSALL, being duly sworn, deposed and testified as follows:

Q. Give your residence and occupation.

102 A. New York City. I am a banker and broker. I am a member of the firm of George S. Scott and Company.

Q. Do you know anything of the bonds known as the consolidated bonds issued by the State of Louisiana in 1874?

A. Yes; I know something of them.

Q. Can you tell whether they are held and dealt in to a large extent in this city?

A. My impressions are that they are held to a considerable extent in this city. They have been largely dealt in. W have and do now hold over one hundred thousand of them.

Q. Are you desirous that the State of New York should intervene to procure the payment thereof?

A. Yes.

Q. Will you allow us to take a copy of one of the bonds?

A. Yes. (Witness produces one of said bonds, of which the annexed, marked B, is a copy.)

(Defendant' objects to all of the above questions and testimony as irrelevant, immaterial, and incompetent, and inadmissible under the pleadings.)

103 Cross-examined:

Q. Do you hold the bonds of which you speak in your own right or for others?

A. For others.

Redirect:

Q. Have you advanced upon them?

A. Yes.

Q. To what extent?

A. To the extent of the whole cost of them, and we hold them for that advance.

(Defendant' objects as before.)

T. W. PEARSALL.

Adjourned to 4 p. m.

SIDNEY DEKAY,
Special Commissioner.

FEB'Y 27TH, 1882—4 p. m.

Adjourned to Feb'y 28th, at 12 p. m.

SIDNEY DEKAY,
Special Commissioner.

FEB'Y 28TH, 1882—12 p. m.

Adjourned to March 1st, 1882.

SIDNEY DEKAY,
Special Commissioner.

MARCH 1ST, 1882.

Adjourned to March 2nd, 1882, at 1 p. m.

SIDNEY DEKAY,
Special Commissioner.

104 MARCH 2ND, 1882—1 p. m.

Adjourned to March 3d, 1882, at 3 p. m.

SIDNEY DEKAY,
Special Commissioner.

MARCH 3RD, 1882.

Present, the respective parties as before. Adjourned until the following day, and thereafter adjournments were taken from day to day until the 24th March, A. D. 1882.

SIDNEY DEKAY,
Special Commissioner.

105 Supreme Court of the United States.

THE STATE OF NEW YORK }
vs.
THE STATE OF LOUISIANA. }

MARCH 24TH, 1882—at 12.30. p. m.

Present, the respective parties as before. Plaintiffs offer in evidence an exemplified copy of the act of the general assembly of the State of Louisiana, commonly known as act No. 3, second extra session of 1881, approved January 4th, 1882, marked Exhibit C.

Testimony closed.

SIDNEY DEKAY,
Special Commissioner.

106 EXHIBIT A.

Copy of original.

SIDNEY DE KAY,
Special Commiss.

UNITED STATES OF AMERICA.

1,000. No. 7794.] [No. 7794. 1,000.

M.] *Consolidated bond of the State of Louisiana.* [M.

The State of Louisiana by these presents, hereby acknowledges itself indebted to the bearer in the sum of one thousand dollars, which sum it promises to pay in lawful money of the United States at the office of the State treasurer in the city of New Orleans, State of Louisiana, on demand after the first day of January, A. D., one thousand nine hundred and fourteen, with interest at the rate of seven per cent. per annum, payable semi-annually in lawful money of the United States, at the office of the State treasurer, city of New Orleans, State of Louisiana, or at the office of the fiscal agent of the State of Louisiana in the city of New York, State of New York, on the first day of July and January of each year upon the surrender of the coupons hereto annexed as they shall become due. This bond issued under authority of and in conformity with an act of the general assembly of the State of Lou-
107 isian', approved January 24th, 1874, being act No. 3 of the session of 1874. In testimony whereof the governor, auditor, and secretary of state of the State of Louisiana under the seal of the State, have signed these presents, bearing date this first day of January, A. D. one thousand eight hundred and seventy-four, in conformity with the provisions of the aforesaid act.

WM. P. KELLOGG,
Governor of the State of Louisiana.

E. B. JOHNSON,
Auditor of Public Accounts.

[SEAL.] P. G. DESLONDE,
Secretary of State.

(Endorsed:) No. 7794. United States of America, State of Louisiana. Consol. $1,000. Under authority of an act of the general assembly, ap-

proved January 24th, 1874. Principal and interest payable in lawful money of the United States. Principal due first day of January, A. D. 1914. Interest at seven per cent., payable on the first day of July and January of each year in New Orleans or New York, at the option of the holder.

The payment of the principal and interest of this bond is pro-
108 vided for by the levy of an annual tax fixed and guaranteed by the constitution of the State, and not repealable by legislative enactment.

State debt limited to $15,000,000, and taxes for all purposes except for schools limited to 12½ mills by the constitution of the State.

109 EXHIBIT B.

Copy of orignal.

SIDNEY DE KAY,
Special Commiss.

UNITED STATES OF AMERICA.

$500. No. 53.] [No. 53. $500.

D.] *Consolidated bond of the State of Louisiana.* [D.

The State of Louisiana by these presents hereby acknowledges itself indebted to the bearer in the sum of five hundred dollars, which sum it promises to pay in lawful money of the United States at the office of the State treasurer in the city of New Orleans, State of Louisiana, on demand after the first day of January, A. D. one thousand nine hundred and fourteen, with interest at the rate of seven per cent. per annum, payable semi-annually in lawful money of the United States at the office of the State treasurer, city of New Orleans, State of New Orleans, or at the office of the fiscal agent of the State of Louisiana in the city of New York, State of New York, on the first day of July and January of each year; upon the surrender of the coupons hereto annexed as they shall become due. This bond is issued under authority of and in conformity with an act of the general assembly of the State of Louisiana, approved January 24th, 1874, being act No. 3 of the session of 1874.

110 In testimony whereof the governor, auditor, and secretary of state of the State of Louisiana, under the seal of the State have signed these presents, bearing date this first day of January, A. D. one thousand eight hundred and seventy-four, in conformity with the provisions of the aforesaid act.

W. P. KELLOGG,
Governor of the State of Louisiana.

CHAS. CLINTON,
Auditor of Public Accounts.
[SEAL.] P. G. DESLONDE,
Secretary of State.

(Endorsed:) No. 53. United States of America, State of Louisiana. Consols $500. Under authority of an act of the general assembly approved January 24th, 1874. Principal and interest payable in lawful money of the United States. Principal due first day of January, A. D. 1914. Interest at seven per cent., payable on the first day of July and January of each year, in New Orleans or New York at the option of the holder.

The payment of the principal and interest of this bond is pro-
111 vided for by the levy of an annual tax fixed and guaranteed by the constitution of the State and not repeatable by legislative enactment.

States debt limited to $15,000,000, and taxes for all purposes except for schools limited to 12½ mills by the constitution of the State.

EXHIBIT C.—SIDNEY DE KAY, *Special Commis.*

No. 3. An act to provide for the funding of the interest fund now in the hands of the fiscal agent of the State, and to accrue, into bonds of the United States Government, and to provide for the payment of the reduced interest due, or to become due, on the bonds of the State.

SECTION 1. Be it enacted by the general assembly of the State of Louisiana, That the State treasurer be, and is hereby, required, under the direction of the governor, to invest the accumulated interest fund now in the hands of the fiscal agent of the State, and to accrue, into
bonds of the United States Government at as early a day as prac-
112 ticable, as in the judgement of the governor the interest of the State may require; provided the said bonds shall be purchased at the current rate of such bonds at time of purchase. On the purchase or sale of any bonds of the United States Government under the provisions of this act, the treasurer shall publish in the official journal of this State the numbers and class of bonds so purchased or sold, together with the price paid or received for said bonds; and the said bonds while the property of the State shall be deposited to the credit of the interest fund in the hands of the fiscal agent as a special deposit, not to be loaned or sold.

SEC. 2. Be it further enacted, etc., that the State treasurer shall, under the direction of the governor, reconvert said bonds of the United States Government, or a sufficient amount thereof, into United States currency, to pay the reduced interest that is or may become due on State bonds converted or stamped under the ordinance of the constitution of 1879 in reference to the State debt, whenever the governor
113 shall direct him so to do; provided that the said United States bonds shall not be reconverted into cash at a sum less than the current rates at the time of reconversion.

SEC. 3. Be it further enacted, etc., That the true intent and meaning of this act is that by the investment provided for by this act, the State of Louisiana may be better able to promptly pay the reduced interest on the consolidated bonds of the State, and on such of said bonds as may have been or may be converted into bonds at the rate of seventy-five cents on the dollar, in accordance with the ordinance of the Constitution of the State of the year 1879, relative to the State debt.

R. N. OGDEN,
Speaker of the House of Representatives.
GEO. L. WALTON,
President pro tem. of the Senate.

Approved January 4, 1882.

S. D. McENERY,
Governor of the State of Louisiana.

A true copy.

WILL. A. STRONG,
Secretary of State.

UNITED STATES OF AMERICA,
State of Louisiana:

I, the undersigned, secretary of state of the State of Louisiana, do hereby certify that the above and foregoing is a true and correct copy of the original act, as passed by the general assembly of this State at the second extra session of 1881, on file and of record in this office. Witness my hand and the seal of the State of Louisiana at the city of Baton Rouge this twentieth day of March, A. D. 1882, and of the Independance of the United States of America the one hundred and sixth year.

[SEAL.]

WILL. A. STRONG,
Secretary of State.

(Indorsed:) Supreme Court of the United States. 1881. October term. No. 6. Original. The State of New York against The State of Louisiana. Testimony on behalf of the complainants, taken under commission issued to Sidney DeKay, special commiss'r, 115 Broadway, New York City. Filed 27 March, 1882. Fees paid; $25. Sidney DeKay, sp' comm's'r.